IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6996 OF 2005

The State of Maharashtra .. Applicant.
Vs.
Shabbir Gulam Murtuza Rizvi .. Respondent.

Mr.S.R.Shinde A.P.P. for the applicant.

CORAM : D.B.BHOSALE, J.

DATED : 7th JUNE, 2006

P.C.:

. Heard learned A.P.P for the applicant.

2. This is an application for leave to file appeal against the judgment of acquittal dated 11.7.2005. Accused no.2 was charged and tried for the offence punishable under section 341, 354, 506(ii) of the I.P.C. I perused the judgment and in particular paragraph 9, 11, 12 and 13 thereof. The complainant (P.W.1) has alleged that respondent no.2 on 15.6.2004 restrained her from going to the college by using criminal force and holding her hand. It is further alleged that he held her hand intending to outraged her modesty. The evidence of the complainant and other material on the record shows that there was love affair between the complainant and the accused. She had also written letters to the accused. Except the allegation made by the complainant that he threatened

her to throw acid on her person there is nothing on record to support the evidence of the prosecution. Considering the totality of circumstances and the reasons recorded by the Court below on appreciation of the evidence on record, it cannot be said that it is unreasonable and perverse. The view taken by the Court below is reasonably possible view. I find absolutely no reason to grant leave to file appeal against the impugned judgment of the acquittal. The application is, accordingly, rejected.

(D.B.Bhosale, J.)